IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6209 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ARYA STEEL

Versus

UNION OF INDIA

Appearance:
MR BHARAT T RAO for Petitioner
MR ANANT S DAVE for Respondents

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE N.G.NANDI

Date of decision: 02/08/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Rule. Mr.Anant S.Dave waives service of Rule on behalf of the respondents.

Learned Counsel for the petitioner has submitted that the order was passed by the Dy.Commissioner of

Customs, Bhavnagar, on 20th March 2001 against the petitioner. That order is a subject matter of appeal before the Commissioner (Appeals), Customs and Central Excise, Ahmedabad since 20th April 2001. That appeal along with the stay application is pending before the appellate authority, but so far, no orders have been passed either in the appeal or in the stay application and the same has not been taken up. Learned Counsel for the petitioner has further submitted that he has already deposited an amount of Rs.89,95,801/- and in the appeal the dispute is only about Rs.8,20,000/- for which he has already given Bank Guarantee to the author of the original order i.e. the Dy.Commissioner, Customs, Bhavnagar.

The factual position as stated by learned Counsel for the petitioner is not disputed by Mr.Anant S.Dave appearing on behalf of the respondents.

In this view of the matter, it is ordered that until appropriate orders are passed in the stay application by the appellate authority, no further coercive measures for recovery of the amount in question shall be taken up and the Bank Guarantee shall not be encashed.

With the above directions, this Special Civil Application is disposed of and the Rule is hereby discharged with no order as to costs.

Direct service is permitted.

2nd Aug.2001 (M.R. Calla, J.)

(N.G. Nandi, J.)

Sreeram.